

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

FRANCE FRANCOIS;)	
)	
PLAINTIFF,)	
)	
v.)	CIVIL ACTION NO. 7:18-cv-182
)	
HEALTHCARE REVENUE RECOVERY)	
GROUP, LLC d/b/a ARS ACCOUNT)	
RESOLUTION SERVICES,)	
)	
DEFENDANT.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Healthcare Revenue Recovery Group, LLC d/b/a ARS Account Resolution Services hereby removes this action from the Ector County Justice Court. As grounds for removal, Defendant states as follows:

1. Plaintiff France Francois commenced this action by filing a Complaint against HRRG in the Justice Court, Precinct 4, in and for Ector County, Texas, Case Number as cause number 12553-SC on or about September 11, 2018. A true and correct copy of the Petition filed in the state court action is attached hereto as Exhibit A.

2. The state court action seeks, among other things, the following relief: damages for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, and the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (See Exhibit A). Plaintiff also asserts state law claims for defamation, negligent enablement of identity fraud, and violation of the Texas Finance Code.

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, as it involves a federal question concerning the alleged violation of the Fair Debt Collection

Practices Act, 15 U.S.C. § 1692 *et seq.*, and the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

4. Furthermore, this Court should take supplemental jurisdiction over the state law claims asserted by Plaintiff because those state law claims form part of the same case or controversy as Plaintiff's FDCPA and FCRA claims. 28 U.S.C. § 1367(a). Each claim relates to Defendant's alleged actions in attempting to collect a debt from Plaintiff. Thus, Plaintiff's state law claims in this case are "so related to claims in the action within [this Court's] original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution" and fall squarely within this Court's supplemental jurisdiction. 28 U.S.C. § 1367(a). This Court should exercise supplemental jurisdiction over Plaintiff's state law claims to avoid unnecessary duplication of efforts and to conserve judicial resources.

5. Defendant was served with a copy of the Complaint on or after September 12, 2018. This Notice of Removal is filed within the time required by 28 U.S.C. § 1446(b).

6. True and correct copies of "all process, pleadings, and orders" served on Defendant to date are attached hereto as Exhibit A as required by 28 U.S.C. § 1446(b).

7. The United States District Court for the Western District of Texas, Midland-Odessa Division, is the court and division embracing the place where this action is pending in state court.

8. Defendant has complied with all applicable requirements of 28 U.S.C. § 1446 for removing this action, including giving written notice of the filing of this Notice of Removal to Plaintiff and filing a copy of the Notice of Removal with the clerk of the Justice Court of Ector County, Texas at or about the same time as this filing.

9. This removal is made without waiving any jurisdictional or other defenses, including the defense of improper service.

WHEREFORE, Defendant Healthcare Revenue Recovery Group, LLC d/b/a ARS Account Resolution Services prays that this Court take jurisdiction of this action and issue all necessary orders and process to remove this action from the Justice Court of Ector County, Texas, to the United States District Court for the Western District of Texas, Midland-Odessa Division.

Respectfully submitted,

MAURICE WUTSCHER LLP

/s/ Keith Wier

Keith Wier

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Recovery Group, LLC d/b/a ARS Account
Resolution Services

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following through first-class United States mail, postage prepaid, on this the ____ day of October 2018:

France Francois
PO Box 60192
Midland, TX 79711

/s/ Keith Wier

Of Counsel